

Mail Stop Interference
P.O. Box 1450
Alexandria VA 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 17 July 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LINDA M. WESTERN,
SAMUEL J. ROSE, and
EDWIN F. ULLMAN,

Junior Party
(Patents 6,121,001 and 6,110,677),

v.

JAMES E. DAHLBERG,
MARY ANN D. LYAMICHEV, and
VICTOR I. LYAMICHEV,

Senior Party
(Application Patent 09/660,924).

Patent Interference No. 105,521
(Technology Center 1600)

Before Lane, Medley, and Moore, Administrative Patent Judges.

Lane, Administrative Patent Judge.

1

2 **Judgment - Request for Adverse - Bd.R. 127(b)**

3

4 Junior party Western has filed a request for adverse judgment (Paper 33).

5

Upon consideration of the record and for reasons given, it is

1 **ORDERED** that judgment on priority as to Count 1, the sole count
2 of the interference, is awarded against junior party LINDA M. WESTERN,
3 SAMUEL J. ROSE, and EDWIN F. ULLMAN;

4 **FURTHER ORDERED** that junior party LINDA M. WESTERN,
5 SAMUEL J. ROSE, and EDWIN F. ULLMAN is not entitled to a patent containing
6 claims 1-5, 27, and 28 of patent 6,121,001 and claims 1-11 of patent 6,110,677,
7 which claims correspond to Count 1, the sole count of the interference (See
8 Paper 1 at 5);

9 **FURTHER ORDERED** that, if there is a settlement agreement, the
10 parties are directed to 35 USC §135(c) and Bd.R. 205;

11 **FURTHER ORDERED** that a copy of this judgment shall be entered
12 into the administrative records of Western patents 6,121,001 and 6,110,677 and
13 Dahlberg application 09/660,924.

14

15 /Sally Gardner Lane/)
16 SALLY GARDNER LANE)
17 Administrative Patent Judge)
18)
19)
20 /Sally C. Medley/) BOARD OF PATENT
21 SALLY C. MEDLEY) APPEALS AND
22 Administrative Patent Judge) INTERFERENCES
23)
24)
25 /James T. Moore/)
26 JAMES T. MOORE)
27 Administrative Patent Judge)
28

1 cc (via electronic filing):

2 Attorney for Western:

3 E-mail: gattari@mbhb.com

4 E-mail: Cynthia G. Tymeson@dadebehring.com

5 Attorney for Dahlberg:

6 E-mail: cahn@twt.com

7 E-mail: dacasimir@medlencarroll.com

8